



Policy: 4475
Chapter: Education
Rule: Special Education

Effective: 04/12/05
Replaces: 4475
Dated: 02/06/03

A.R.S.	Federal Regulations: Individuals with Disabilities Education Act (IDEA)	A.A.C
§§41-2804, 15-761, 15-763.01, 15-764 (A)(5), 15-765, 15-766, 15-828(F-G), 15-1181	Part 300	R7-2-401, R7-2-405

The Arizona Department of Juvenile Corrections (ADJC) ensures compliance with State and Federal regulations regarding the policy and procedures regarding Special Education. However, nothing contained in the policy or procedures are intended to or will limit the authority of this agency of its primary responsibility of care, custody and control of ADJC juveniles.

Even though, this agency provides educational services year around, Extended School Year Services are determined on an individual basis.

ADJC's allowable special education student-teacher ratios is one teacher to eight students

Michael D. Branham, Director

Procedure Index:

Procedure 4475.01: Special Education: Free Appropriate Public Education (FAPE)
Procedure 4475.02: Special Education: Child Find
Procedure 4475.03: Special Education: Initial Evaluation and Reevaluation and Eligibility Determination
Procedure 4475.04: Special Education: Individualized Education Program (IEP)
Procedure 4475.05: Special Education: Least Restrictive Environment
Procedure 4475.06: Special Education: Procedural Safeguards
Procedure 4475.07: Special Education: Confidentiality of Information
Procedure 4475.08: Special Education: Discipline

Definitions:

1. **Consent:** means:
 - a. The student is fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;
 - b. The student understands and agrees in writing to the activity for which consent is sought;
 - c. The consent describes the activity;
 - d. The consent lists the records (if any) that will be released and to whom;
 - e. The student understands that the consent is voluntary and may be revoked at any time;
 - f. If a student revokes consent, that the revocation is not retroactive, meaning that the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked [§ 300.500(b)(1)];

- g. Student consent for initial evaluation will not be construed as consent for initial placement [§ 300.505(2)].
- 2. **Evaluation:** means procedures used in accordance with §§ 300.530-300.536 to determine whether a student has a disability and the nature and extent of the special education and related services that the student needs [§ 300.500(b)].
- 3. **Free Appropriate Public Education (FAPE):** means special education and related services that:
 - a. Are provided at public expense, under public supervision and direction, and without charge;
 - b. Meet the standards of the State education;
 - c. Include elementary school or secondary school education; and
 - d. Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.340 and 300.350.
- 4. **Independent educational evaluation:** means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the student [§ 300.502(a) (3)].
- 5. **Parent:**
 - a. General. As used in this part, the term parent means—
 - i. A natural or adoptive parent of a child;
 - ii. A guardian but not the State if the child is a ward of the State;
 - iii. A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
 - iv. A surrogate parent who has been appointed in accordance with §300.515.
 - b. Foster parent. Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part B of the IDEA if—
 - i. The natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and
 - ii. The foster parent—
 - (1) Has an ongoing, long-term parental relationship with the child;
 - (2) Is willing to make the educational decisions required of parents under the IDEA; and
 - (3) Has no interest that would conflict with the interests of the child
- 6. **Personally identifiable:** means that the information includes:
 - a. the name of the student, the student's parent, or other family member;
 - b. the address of the student;
 - c. a personal identifier, such as the student's social security number or student number;
 - d. a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty [§ 300.500(b)(3)].
- 7. **Public expense:** means that the ADJC either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the student, consistent with FAPE [§§ 300.502(a)(3), 300.301].
- 8. **Supplementary Aids And Services:** as used in this section means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable the student with a disability to be educated with non-disabled students to the maximum extent appropriate in accordance with §§ 300.550 and 300.554.